

2025:PHHC:151363



**107 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on:-03.11.2025

1. RFA-1386-2001 (O&M)

The State of Haryana and anotherAppellants.

vs.

Abdul KarimRespondent.

2. RFA-1387-2001 (O&M)

The State of Haryana and another ..Appellants...

vs.

Islam ..Respondent...

3. RFA-1388-2001 (O&M)

The State of Haryana and another ...Appellants...

vs.

Huru ...Respondent..

4. RFA-1389-2001 (O&M)

The State of Haryana and another ...Appellants...

vs.

Abdul Sattar ...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. Som Nath Saini, Advocate
for the respondent(s)-landowner(s).

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned four Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from RFA-1386-2001 (O&M).

2. By way of present appeals, challenge has been laid to an Award dated 03.01.2001 passed by the learned Additional District Judge, Gurgaon (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of respondent(s)-landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "1894 Act"), were partly accepted.

3. Brief facts of the case are that some land owned by the respondent(s)-landowner(s), situated in the revenue estate of Village Pema Khera, Tehsil Ferozepur Jhirka, District Gurgaon, was sought to be acquired vide notification dated 21.09.1988 published on 13.12.1988, under Section 4 of the 1894 Act and the notification dated 15.09.1989 published on 10.10.1989, issued under Section 6 thereof, for the public purpose, namely, construction of the road from Punhana to Andaki via Pema Khera. The Land Acquisition Collector vide its Award dated 07.10.1991, assessed the market value of the acquired land and awarded Rs.40,000/- per acre for *Nahri*, G.M. *Gahat*, G.M. *Gadha Khad*; Rs.25,120/- per acre for *Banjar* and *Hadarori* land and Rs.35,040/- per acre for *Narmot* land, with all statutory benefits.

4. Aggrieved of the same, the respondent(s)-landowner(s) invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its Award dated 03.01.2001,

enhanced the market value to Rs.65,330/- per acre alongwith all other

statutory benefits.

5. Feeling dissatisfied with the aforesaid Award passed by the learned Reference Court, the appellant(s)-State of Haryana preferred the aforementioned appeals.

6. Impugning the aforementioned award, learned counsel for the appellants-State submits that the learned Reference Court failed to take into account the sale instances Ex.R-1 (dated 22.07.1988) and Ex.R2 (dated 26.10.1988), whereby 08 kanals of land as well as 07 marlas of land were sold for Rs.12,000/- and Rs.1000/- respectively and thus, the market value of the acquired land was around Rs.12,000/- to Rs.23,000/- only. He further submits that even if the sale instances produced on record on behalf of the respondent(s)-landowner(s) reflecting the highest sale price, were to be relied upon, an appropriate deduction of 1/3rd was required to be applied to account for smallness of the area involved therein, by the learned Reference Court while determining the market value of the acquired land. He thus, concludes that the impugned award passed by the learned Reference Court was required to be appropriately modified while effecting a reduction in the market value assessed in favour of the respondent(s)-landowners.

7. On the other hand, learned counsel appearing on behalf of the respondent(s)-landowner(s) submits that since the area under acquisition is 1.603 acres, no deduction towards smallness of the area pertaining to the sale instances Ex.P-2 and P-4 is required to be applied. He further submits that the purpose of acquisition being for laying down a village road, the appellants-State did not suffer any kind of loss of land or costs towards additional infrastructural amenities, as such, no development cut was

required to be applied. He thus, submits that no interference is called for in the well-reasoned award passed by the learned Reference Court.

8. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the appellants-State.

9. In view of the settled proposition of law by the Hon;ble Apex Court in ***“Horrmal vs. State of Haryana”, reported as 2024 INSC 797***, for the purpose of making assessment of market value for the acquired land, the sale instances fetching the highest sale price are required to be relied upon by the learned Reference Court. In the given facts, the sale instance Ex.P-2 dated 15.07.1988 pertains to 12 marlas of land, which was sold for Rs.5000/- and the sale price per acre thus, comes to Rs.66,666/-. The said sale instance being the highest sale exemplar needs to be taken into account for the purpose of assessment of market value for the acquired land.

9.1 Considering the fact that the acquisition in the present case relates to 1.603 acres of land, whereas the sale deed Ex.P-2 dated 15.07.1988, pertains to an area measuring 12 marlas which, based on comparative analysis cannot be considered to be relating to a small parcel of land, thus, no cut on the basis of smallness of land is warranted. Furthermore, in view of the fact that the acquisition relates to the public purpose namely, laying down of village road from Punhana to Andaki via Pemakhera, State is not going to suffer any loss of land or any cost towards providing of additional infrastructural amenities, thus, no cut is required to be applied.

10. Accordingly, the present appeals filed at the instance of

